

(Sgd.) C. D. Ayres.
(Sgd.) R. Hand.

"B"

I undertake to employ the following employees of the Road Transport Services.

All employees as per list of employees at July 10, 1968 supplied by Transport Commission Road Services Branch, except for Messrs. C. T. Sherston, F. J. Mitchell, H. C. Geappen, W. F. Kingston, M. E. Webster, K. J. Shanahan, L. E. Taylor and Mrs. N. Y. Gough.

I do not offer any financial or other surety to guarantee the continuity of the service or services for which I have offered to purchase and undertake to provide such service or services for the term of the licence granted to me.

Signature C. D. AYERS.

"C"

I undertake to carry on, subject to the consent of the Postmaster-General the undermentioned mail services.

Hobart - Jericho - Hobart.
Hagley - Launceston - Hagley.
Burnie - Launceston.
Burnie - Launceston - Burnie.
Burnie - Hobart (Sunday bag).
Deloraine - Mole Creek.
Strahan - Queenstown.
Zeehan - Queenstown - Burnie.

Signed C. D. AYERS.

"D"

I undertake to carry on, subject to the consent of the Minister for Education the undermentioned school services.

Zeehan - Queenstown.
Strahan - Queenstown.

Signed C. D. AYERS.

FISHERIES.

No. 56 of 1968.

AN ACT to amend the *Fisheries Act 1959*.

[5 December 1968.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title
and citation.

1—(1) This Act may be cited as the *Fisheries Act 1968*.

(2) The *Fisheries Act 1959*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section three of the Principal Act is amended by omitting the definition of "fish" and substituting therefor the following definition:— Interpre-
tation.

"'fish' includes any kind of animal that throughout its ordinary life lives in water and the spawn, fry, or young of such an animal;"

3 Section nine of the Principal Act is amended— Regulations.

(a) by inserting in paragraph (b) of subsection (1), after the word "duration," the word "transfer,";

(b) by inserting in paragraph (d) of that subsection, after the word "duration," the word "transfer,";

(c) by inserting in paragraph (h) of that subsection, after the word "licences" (last occurring) the words "; with power to provide—

(i) for the issue of licences to take fish commercially on such terms and conditions as may be prescribed;

(ii) for the sale of licences to which sub-paragraph (i) of this paragraph applies at such prices as may be prescribed; and

(iii) for the limitation to a prescribed number of the number of licences that may be issued to take any prescribed kind of fish";

(d) by inserting in that subsection, after paragraph (h) the following paragraph:—

"(ha) providing for the issue of exploratory licences, that subject to the conditions, which may be of any kind and either set forth in the regulations or determined by the Minister, contained in them, may exempt the holder from any specified provision of this Act and in particular from the need to obtain any specified licence under this Act;"

(da) by inserting in that subsection, after paragraph (n), the following paragraph:—

"(na) providing that all persons who sell or offer for sale fish elsewhere than in a part of a building ordinarily used as a shop shall be licensed, and prohibiting the selling or offering for sale of fish by such persons without a licence;"

(e) by inserting in that subsection, after paragraph (t), the following paragraphs:—

"(ta) providing for the health and safety of persons engaged in the fishing industry;

- “(tb) providing for the protection of oyster beds, including the oysters therein, with power to extend the operation of section one hundred and forty of the *Justices Act 1959* to offences involving damage to oyster beds;”;
- (ea) by inserting, after subsection (1), the following subsection:—
- “(1A) Regulations made for the purposes of this section may—
- (a) incorporate by reference publications or parts of publications issued by the Standards Association of Australia or other like organization outside the Commonwealth; and
- (b) impose as conditions of licences—
- (i) previous inspection by or on behalf of the Navigation and Survey Authority of Tasmania, the Director-General of Health Services, the Chief Inspector of Machinery, or other authority, whether for the purposes of this or another Act; and
- (ii) submission to inspection by or on behalf of any such authority as required by any specified person,
- and the production of certificates of such inspections.”; and
- (f) by inserting, after subsection (2B), the following subsections:—
- “(2C) Where provision is made under paragraph (h) of subsection (1) of this section for the sale of licences to take fish commercially—
- (a) all other fishing for the same fish for the purpose of sale, whether as taken or in a form altered by processing or manufacture, may be prohibited; or
- (b) licences may be issued to fish for the same fish subject to conditions restricting such fishing and to limitation of the number of such licences.
- “(2D) Licences under this section may—
- (a) be limited to a specified area;
- (b) specify or restrict the engines to be used, generally or in a specified area; and
- (c) restrict the quantity of specified fish that may be taken generally or in a specified area and in respect of a specified time, fishing boat, or engine.

“(2E) Nothing contained in this section shall affect the right of a person to take fish with—

- (a) a crayfish pot;
- (b) a crayfish ring;
- (c) a graball net;
- (d) a beach seine net;
- (e) a mullet net;
- (f) a handline;
- (g) a fishing rod; or
- (h) a flounder spear,

for purposes other than sale or manufacture, subject to paragraphs (b) to (f) and (i) to (s) of subsection (1) of this section.”.

4—(1) Section eleven of the Principal Act is repealed and the following sections are substituted therefor:—

“11—(1) There shall be a trust account under section nine of the *Public Account Act* 1957 to be known as the ‘Sea Fisheries Research Account’, into which shall be paid such moneys as Parliament may vote for the purpose. Research.

“(2) The Minister may, at his discretion, draw out and expend moneys standing to the credit of the Sea Fisheries Research Account on—

- (a) research into matters connected with sea fisheries, including the processing and use of their produce;
- (b) the education of persons connected with sea fisheries, including processing of their produce; and
- (c) publicizing such research and advising such persons in respect of knowledge relevant to sea fisheries and processing their produce, gained by such research or otherwise.

“11A All—

- (a) moneys arising from the sale of things forfeited to and sold by the Minister or received by him in respect of those things; and
- (b) fees and other revenue and moneys received by the Minister under this Act,

Appropriation
of revenue.

shall be paid without deduction into the Consolidated Revenue.”.

(2) This section shall commence on the first day of July 1969.

(3) All moneys standing to the credit of the Sea Fisheries Development Account on the last day of June 1969 shall be transferred as of the first day of July 1969 to the credit of the Consolidated Revenue as soon as practicable.

5—(1) Sections twenty and twenty-one of the Principal Act are repealed.

Injuries to
oyster beds
and fishing
for oysters.

(2) This section shall commence on a date to be fixed by proclamation.

Regulations.

6 Section thirty-six is amended—

(a) by inserting in paragraph (b) of subsection (1), after the word “licences” (last occurring), the words “; with power to provide—

- (i) for the issue of licences to take fish commercially on such terms and conditions as may be prescribed;
- (ii) the sale of licences to which sub-paragraph (i) of this paragraph applies at such prices as may be prescribed; and
- (iii) for the limitation to a prescribed number of the number of licences that may be issued to take any prescribed kind of fish”; and

(b) by inserting, after subsection (3A), the following subsections:—

“(3B) Where provision is made under paragraph (b) of subsection (1) of this section for the sale of licences to take fish commercially—

- (a) all other fishing for the same fish may be prohibited; or
- (b) licences may be issued to fish for the same fish subject to conditions restricting such fishing and to limitation of the number of such licences.

“(3C) Licences under this section may—

- (a) be limited to a specified piece of water;
- (b) specify or restrict the engines to be used, generally or in a specified piece of water; and
- (c) restrict the quantity of specified fish that may be taken generally or in a specified piece of water and in respect of a specified time or engine.”.

Power of controlling bodies to permit taking fish for approved purposes.

7 Section fifty-two of the Principal Act is amended by omitting the words “or for scientific purposes” and substituting therefor the words “for scientific purposes, for exploratory purposes”.

Special provisions relating to the forfeiture of scallops.

8 Section sixty-six A of the Principal Act is amended—

- (a) by inserting, after the word “scallops” (first and second occurring), (in either case) the words “; crayfish, or abalone”;
- (b) by inserting, after the word “scallops” (last occurring), the words “; crayfish, or abalone, as the case may be,”; and
- (c) by adding at the end thereof the following subsection:—

“(2) This section shall apply as if they were scallops to such other kinds of fish as are declared by proclamation to be fish to which this section applies.”.

9 Section sixty-nine of the Principal Act is repealed and the following section is substituted therefor:—

“69—(1) Subject to subsection (2) of this section all penalties recovered under this Act shall be paid into the Consolidated Revenue. Application of penalties.

“(2) One-half of all penalties recovered under Part III shall be paid to the Commission.”

APPEAL COSTS FUND.

No. 57 of 1968.

AN ACT to make provision with respect to liability for the costs of certain litigation, to establish a Fund to meet that liability, and to provide for matters incidental thereto. [5 December 1968.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Appeal Costs Fund Act 1968*. Short title and commencement.

(2) This Act shall commence on a day to be fixed by proclamation.